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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,738	03/24/2004	Mark E. Thompson	10020/31102	6531
26646	7590	06/20/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			YAMNITZKY, MARIE ROSE	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/807,738

Applicant(s)

THOMPSON ET AL.

Examiner

Marie R. Yamnitzky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004 and 06 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-86 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

This application contains claims directed to the following patentably distinct species: a compound (and organic light emitting device comprising the compound) wherein the compound comprises a metal and at least one ligand attached to the metal,

wherein at least one ligand has the structure shown in

(I) the first formula on page 20 of the specification, or

(II) the first formula on p. 25, or

(III) the second formula on p. 25, or

(IV) the third formula on p. 25, or

(V) the fourth formula on p. 25, or

(VI) the fifth formula on p. 25, or

(VII) the sixth formula on p. 25, or

(VIII) the first formula on p. 28, or

(IX) the second formula on p. 28, or

(X) the third formula on p. 28, or

(XI) the fourth formula on p. 28, or

(XII) the fifth formula on p. 28, or

(XIII) the sixth formula on p. 28, or

(XIV) the seventh formula on p. 28, or

(XV) the eighth formula on p. 28, or

(XVI) the ninth formula on p. 28, or

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(XVII) a combination of two or more of (I)-(XVI) (e.g. a ligand of the first formula on p. 25 wherein each of  $R_9$  and  $R_{11}$  is F is also a ligand of the first formula on p. 20), or

(XVIII) a ligand other than (I)-(XVII);

wherein, when at least one ligand is (X)-(XVI) or a combination comprising at least one of (X)-(XVI), Z is selected from:

(i)  $CH_2$ , or (ii)  $CRR$ , or (iii)  $NH$ , or (iv)  $NR$ , or (v)  $O$ , or (vi)  $S$ , or (vii)  $SiR$  (wherein R of (ii), (iv) and (vii) is other than hydrogen);

wherein, when the compound has more than one ligand:

(A) all ligands are the same and are selected from (I)-(XVII), or

(B) all ligands are the same and are selected from (XVIII), or

(C) at least two ligands are different and all ligands are selected from (I)-(XVII), or

(D) at least two ligands are different and all ligands are selected from (XVIII), or

(E) at least two ligands are different and at least one ligand is selected from (I)-(XVII)

and at least one ligand is selected from (XVIII);

and wherein the metal is one metal selected from those set forth in claim 5.

The species are independent or distinct because they do not overlap in scope, i.e., are mutually exclusive.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Election of a single disclosed species requires election of one of (I)-(XVIII), with further election of one of (i)-(vii) if a ligand comprising Z in the formula is elected, one of (A)-(E), and one metal. If applicant elects (XVII), the combination should be specified (e.g. a ligand having the structure of both (I) and (II)). If applicant elects (C), the different ligands should be specified (e.g. a ligand having the structure of (I) and a different ligand having the structure of (II)). Applicant is also required to select an ultimate species (i.e. a specific compound) which will be used as the starting point for search and examination purposes. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

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The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY

June 14, 2006

A handwritten signature in cursive script that reads "Marie R. Yamnitzky".

MARIE YAMNITZKY  
PRIMARY EXAMINER

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